UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,339	06/05/2001	Timothy P. Barber	01,204	4133

7590 12/22/2004	**EXAMINER**
SHUGHART THOMSON & KILROY, P.C.	BAUGH, APRIL L
Twelve Wyandotte Plaza	

ART UNIT	PAPER NUMBER
2141	

120 West 12th Street
Kansas City, MI 64105

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>20020904&20020913</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-2, 5, 7-8, 10-11, 13, 16-17, and 21-23 rejected under 35 U.S.C. 102(e) as being

unpatentable by US Patent 6,535,916 to Nguyen.

Regarding claim 1, Nguyen teaches a process for collecting machine identifying

information associated with a digital online access device used for substantially anonymously

accessing a host computer system over a digital network said host computer system generating

an interaction record of an access therewith by said access device, and said process comprising

the steps of: (a) capturing a machine identifying profile parameter upon said access device

accessing said host computer system; (b) generating a unique interaction identification string

upon said access device accessing said host computer system (column 5, lines 18-27 and 32-37);

(c) associating said interaction identification string with said profile parameter; and (d)

associating said interaction identification string with said interaction record generated upon said

access device accessing said host computer system (column 5, line 65-column 6, line 4 and

column 6, lines 8-12).

Regarding claim 7, Nguyen teaches a process for identifying a customer computer involved in an online transaction between a customer using a customer browser operating on said customer computer and a merchant operating a merchant web site, said method comprising the steps of: (a) capturing a customer computer profile parameter upon said customer computer accessing said merchant web site; (b) generating a transaction identification string and associating said string with said parameter (column 5, lines 18-27 and 32-37); (c) storing said parameter and said string in a machine data archive; (d) upon said customer completing a transaction through said merchant web site, storing said transaction identification string with a transaction record formed during said transaction to thereby associate said parameter with said transaction record through said string (column 5, line 65-column 6, line 4 and column 6, lines 8-12 and 16-23).

Regarding claim 16, Nguyen teaches a process for identifying a customer computer involved in an online transaction through a merchant web site between a customer using a customer browser operating on said customer computer and a merchant who operates said web site, said method comprising the steps of: (a) coding a script request within a transaction form of said merchant web site; (b) processing said script request by said customer browser upon accessing said merchant web site to thereby communicate to an archiver web site of a machine data archiving service an electronic request for a machine data collection script; (c) said archiver web site returning said script to said customer browser along with a unique transaction identification string (column 5, lines 32-37); (d) said customer browser processing said script to thereby cause said script to query said customer computer for a profile parameter of said customer computer; (e) said script causing said customer browser to communicate said profile

parameter and said transaction identification string to said archiver web site; (f) said archiver

web site storing said profile parameter and said transaction identification string in a machine data

profile (column 6, lines 16-22); (g) said script causing said customer browser to write said

transaction identification string into said transaction form (column 6, lines 8-12); and (h) upon

said customer adding customer identification information to said transaction form and

electronically submitting said transaction form to said merchant web site to thereby comprise a

transaction record, said transaction identification string associating said transaction record with

said machine data profile (column 5, lines 20-27 and column 5, line 65-column 6, line 4).

Regarding claim 2, Nguyen teaches a process as set forth in Claim 1 wherein said

capturing step includes the step of (a) capturing a digital address of said access device on said

digital network (column 5, lines 19-27 and 32-37).

Regarding claim 5, Nguyen teaches a process as set forth in Claim 1 and including the

steps of (a) said host system operating a host web site including an interaction page generated by

interaction page code processed by said access device upon accessing said host web site; and (b)

coding, within said interaction page code, a self-identification routine which causes said access

device to communicate said profile parameter when said access device processes said interaction

page code (column 5, lines 19-27 and 32-37 and 44-47).

Regarding claim 8, Nguyen teaches a process as set forth in Claim 7 wherein said

capturing step includes the step of: (a) capturing an IP address of said customer computer

(column 5, lines 19-27 and 32-37).

Regarding claim 10, 11 and 13, Nguyen teaches a process as set forth in Claim 7 and 12

and including the step of: (a) coding said self-identification routine in such a manner that said

profile parameter and said interaction identification string are communicated to a third party web

site at which said profile parameter and said interaction identification string are stored (column

5, lines 19-27 and column 6, lines 16-22).

Regarding claim 17, Nguyen teaches a process as set forth in Claim 16 and including the

steps of: (a) said script causing said computer browser to communicate said profile parameter

and said transaction identification string along with a conventional hypertext transfer protocol

(HTTP) header; and (b) said archiver service additionally storing said HT'I'P header in

association with said machine data profile (column 5, lines 19-27 and 45-47).

Regarding claim 21, Nguyen teaches a process as set forth in Claim 16 wherein said

customer computer potentially accesses said merchant web site by way of a proxy, and said

communicating step includes the steps of: (a) communicating said profile parameter and said

transaction identification string to said remote web site using a protocol which bypasses said

proxy (column 5, lines 19-27 and column 6, lines 16-22).

Regarding claim 22, Nguyen teaches a process as set forth in Claim 16 and including the

step of (a) said script communicating said profile parameter to said archiver service web site

using a protocol other than HTTP (column 5, lines 19-27 and 45-47).

Regarding claim 23, Nguyen teaches a process as set forth in Claim 16 wherein said

customer computer includes a digital clock, and including the steps of: (a) said script causing

said customer browser to query said clock for a time value; and (b) said script causing said

customer browser to send said time value to said archiver service web site along with said profile

parameter (column 5, lines 33-38).

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2..   Claims 3, 4, 6, 9, 12, 14-15, 18-20, and 24-26 rejected under 35 U.S.C. 103(a) as being

unpatentable over US Patent 6,535,916 to Nguyen in view of Applicant Admitted Prior Art

(AAPA).

Regarding claim 24, Nguyen teaches a process for identifying a customer computer

involved in an online transaction through a merchant web site between a customer using a

customer browser operating on said customer computer and a merchant who operates said web

site, said method comprising the steps of (a) coding a script request within a transaction form of

said merchant web site (column 6,lines 8-12); (b) processing said script request by said customer

browser upon accessing said merchant web site to thereby communicate to an archiver web site

of a machine data archiving service an electronic request for a machine data collection script; (c)

said archiver web site returning said script to said customer browser along with a unique

transaction identification string (column 5, line 65-column 6, line 4); (d) said customer browser

processing said script to thereby cause said script to: (3) perform a hashing function on said

attribute string to form said profile parameter; and (4) query an internal digital clock of said

customer computer for a current time value; (e) said script causing said customer browser to

communicate said profile parameter, said time value, and said transaction identification string to

said archiver web site along with a conventional HTTP header (column 5, lines 33-37 and 45-47); (f) said archiver web site storing said profile parameter, said time value, and said transaction identification string in a machine data profile (column 6, lines 16-22); (g) said script causing said customer browser to write said transaction identification string into said transaction form; and (h) upon said customer adding customer identification information to said transaction form and electronically submitting said transaction form to said merchant web site to thereby comprise a transaction record, said transaction identification string associating said transaction record with said machine data profile (column 5, lines 19-27).

Nguyen does not teach configuration settings. AAPA teaches (1) query said customer browser for a plurality of configuration settings; (2) form an attribute string from said plurality of configuration settings (page 2, lines 14-20). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the online machine data collection process of Nguyen by (1) query said customer browser for a plurality of configuration settings; (2) form an attribute string from said plurality of configuration settings because the configuration settings of a computer system are another form of uniquely identifying that system.

Regarding claim 3 and 18, Nguyen teaches a process as set forth in Claim 1 and 16 (column 5, lines 19-27).

Nguyen does not teach configuration settings. AAPA teaches wherein said capturing step includes the step of: (a) capturing a configuration setting of said access device (page 2, lines 14-20). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the online machine data collection process of Nguyen by

wherein said capturing step includes the step of: (a) capturing a configuration setting of said

access device because the configuration settings of a computer system are another form of

uniquely identifying that system.

Regarding claim 4 and 12, Nguyen teaches a process as set forth in Claim 1 and 7 and

including the steps of: (a) communicating a self-identification routine to said access device upon

said access device accessing said host computer system; (b) said access device executing said

self-identification routine; and (d) said self-identification routine communicating said profile

parameter to a remote location for association with said interaction identification string (column

5, lines 19-27).

Nguyen does not teach configuration settings. AAPA teaches (c) said self-identification

routine querying a configuration setting of said access device to derive said profile parameter

(page 2, lines 14-20). Therefore it would have been obvious to one of ordinary skill in the art at

the time the invention was made to further modify the online machine data collection process of

Nguyen by(c) said self-identification routine querying a configuration setting of said access

device to derive said profile parameter because the configuration settings of a computer system

are another form of uniquely identifying that system.

Regarding claim 9, Nguyen teaches a process as set forth in Claim 7 (column 5, lines 19-

27).

Nguyen does not teach configuration settings. AAPA teaches wherein said capturing step

includes the step of: (a) capturing a configuration setting of said customer computer (page 2,

lines 14-20). Therefore it would have been obvious to one of ordinary skill in the art at the time

the invention was made to further modify the online machine data collection process of Nguyen

by wherein said capturing step includes the step of: (a) capturing a configuration setting of said customer computer because the configuration settings of a computer system are another form of uniquely identifying that system.

Regarding claim 14 and 19, Nguyen teaches a process as set forth in Claim 12 and 16 and (c) processing said attribute string to form said profile parameter of said customer computer (column 5, lines 19-27).

Nguyen does not teach configuration settings. AAPA teaches wherein said querying step includes the steps of: (a) querying said customer browser for a plurality of configuration settings: (b) forming an attribute string from said plurality of configuration settings (page 2, lines 14-20). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the online machine data collection process of Nguyen by wherein said querying step includes the steps of: (a) querying said customer browser for a plurality of configuration settings: (b) forming an attribute string from said plurality of configuration settings because the configuration settings of a computer system are another form of uniquely identifying that system.

Regarding claim 6, Nguyen teaches a process as set forth in Claim 3 and including the step of: (a) coding said self-identification routine in such a manner that said profile parameter and said interaction identification string are communicated to a third party web site at which said profile parameter and said interaction identification string are stored (column 5, lines 19-27 and column 6, lines 16-22).

Regarding claim 15, Nguyen teaches a process as set forth in Claim 12 wherein said customer computer potentially accesses said merchant web site by way of a proxy, and said

communicating step includes the steps of: (a) communicating said profile parameter and said

transaction identification string to said remote web site using a protocol which bypasses said

proxy (column 5, lines 19-27 and column 6, lines 16-22).

Regarding claim 20, Nguyen teaches a process as set forth in Claim 19 wherein said

script processing step includes the step of: (a) said script performing a hashing function on said

attribute string to form said profile parameter (column 5, lines 19-27).

Regarding claim 25, Nguyen teaches a process as set forth in Claim 24 wherein said

customer computer potentially accesses said merchant web site by way of a proxy, and including

the steps of (a) said script querying said customer computer for a second profile parameter; and

(b) said script communicating said second profile parameter and said transaction identification

string to said archiver service web site using a protocol which bypasses said proxy (column 5,

lines 19-27 and 44-46 and column 6, lines 16-22).

Regarding claim 26, Nguyen teaches a process as set forth in Claim 25 and including the

step of (a) said script communicating said profile parameter to said archiver service web site

using a protocol other than HTTP (column 5, lines 19-27 and 45-47).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. The following patents are cited to further show the state of the art with respect to

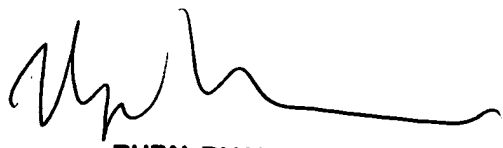online machine data collection in general: Wilf et al. and Rowland et al.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to April L Baugh whose telephone number is 571-272-3877. The

examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER